

**OCTOBER 2010  
APPLICATIONS TO AMEND THE  
COMPREHENSIVE DEVELOPMENT  
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



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OCTOBER 2010  
APPLICATIONS TO AMEND  
THE COMPREHENSIVE DEVELOPMENT  
MASTER PLAN

December 5, 2010

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## BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend Miami-Dade County's Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the October 2010 amendment review cycle. Amendments to the Plan may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the Plan to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period along with a list and table summarizing all of the applications, followed by a Department summary page and a complete copy of each application. The next report will be the October 2010 Initial Recommendations report to be published on February 25, 2011.

Section 2-116.1 of the Miami-Dade County Code establishes the exclusive procedures for the CDMP to be reevaluated and amended periodically, usually semiannually. These procedures involve thorough County and State review as required by Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code. Current procedures provide for the filing of applications in April and October, with the amendment process generally taking eleven months to complete. The April 2011 filing period is the next cycle that is in the odd numbered year, when the Miami-Dade County Department of Planning and Zoning allow for changes to the Land Use Plan map that are located outside the Urban Development Boundary (UDB) to be considered. Plan components eligible for amendment application during the various semiannual filing periods are summarized below. \*

Application Filing Period (month)	Plan Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
April Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Mandatory Cycle]	All Components Including UDB and UEA [Mandatory Cycle]
October Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Optional Cycle]	All Components Except UDB and UEA and Land Use Outside UDB [Mandatory Cycle]

\*Source: Section 2-116.1, Code of Miami-Dade County.

The Plan review and amendment process provides for the filing of amendment applications, staff analysis of the applications, and public participation in the process. Each application will be thoroughly evaluated by the Department of Planning and Zoning and will be subject to review at a series of public hearings. The final action adopting, adopting with a change, or denying each of the applications will be made by the Board of County Commissioners. Further details about the hearings and the review process are discussed in the next section.

### Application Review Process and Schedule of Activities

Following is a summary of the Plan review and amendment activities and tentative schedule as required by Section 2-116.1, Code of Miami-Dade County (See Table 1). After all privately filed applications were finalized, the Department of Planning and Zoning published this Applications Report on December 5, 2010 listing all applications filed.

The Department of Planning and Zoning (DPZ) will submit its initial recommendations to the Planning Advisory Board (PAB) regarding each requested change, no later than February 25, 2011. Community Councils, which have been elected into districts throughout unincorporated Miami-Dade County, at their option may make recommendations to the PAB and Board of County Commissioners on local planning matters, including proposals to amend the CDMP. Each Community Council, in which a proposed amendment to the Land Use Plan map is located, will have the opportunity to hold a public hearing in March 2011 to discuss the application(s) and to formulate recommendation(s) regarding the request(s). The PAB, acting as Miami-Dade County's Local Planning Agency (LPA) pursuant to Chapter 163, Part 2, Florida Statutes, will hold a public hearing scheduled for April 2011, to receive comments on the proposed amendments and on the initial staff recommendations, and to formulate its recommendations to the Board of County Commissioners regarding adoption of requested "small-scale" amendments and regarding transmittal to the Florida Department of Community Affairs (DCA) for review and comment of all requested standard amendments for initial review and comments by State agencies. The Board of County Commissioners is scheduled to hold a public hearing in May 2011, to consider taking final action on requested "small-scale" amendments, and to consider transmittal of the requested standard amendments to DCA, as well as any of the requested "small-scale" amendments that the commission elects to process through the regular standard procedure. Adopted small-scale amendments will become effective 31 days after adoption unless there is a citizen challenge.

Transmittal of "standard" (non-small-scale) amendment proposals to DCA for review and comment does not constitute adoption of requested amendments. A second phase of the review addressing the standard applications begins after transmittal of the applications to the DCA and associated State agencies. Also, the Board of County Commissioners may opt to either adopt or deny a requested small-scale amendment at its first public hearing but may, instead, decide to transmit to DCA for State-agency review and comment as a "standard" amendment request.

Transmittal of the October 2010 Cycle applications to DCA is expected to occur in May 2011, then DCA would issue its Objections, Recommendations and Comments (ORC) report in August 2011 addressing all transmitted applications. The PAB acting as the Local Planning Agency would then conduct its final public hearing in September 2011, and the Board would conduct a public hearing for the transmitted standard application(s) and take final action in October 2011. During the DCA review period, DP&Z will also review comments received at the transmittal hearings and any additional material submitted and may issue a Revised Recommendations report addressing any issues raised in the ORC report and reflecting any new information prior to the final public hearings. Final action by the Board will be to adopt, adopt with change, or not adopt each of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be requested only by the Board under a "Special" amendment process, or by an applicant for approval of, or amendment to a Concurrent Development of Regional Impact (DRI)/ CDMP

Amendment Application, or foreclosed or realigned military bases. Procedures for processing such "Special Amendment" or "Concurrent DRI/CDMP" amendments, or military base-related amendments are established in Section 2-116.1 of the Miami-Dade County Code.

### Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-scale" amendments to the Land Use Plan map as defined in Section 163.3187(1)(c)(1), F.S. This procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan map at the May 2011 transmittal public hearing. An amendment application is eligible for expedited processing as "Small-scale" amendment under the following conditions:

1. The proposed amendment involves a land use change of 10 acres or less.
2. The cumulative annual acreage of all small-scale amendments shall not exceed 120 acres, and not more than 60 acres of the total can be located outside of areas designated in the CDMP as transportation concurrency exception areas:
  - Section 3 of the Concurrency Management Program in the Capital Improvements Element
  - the Dadeland Chapter 380 Regional Activity Center;
  - the NW 107 Avenue and NW 12 Street Chapter 380 Regional Activity Center; or a
  - Concurrency Redevelopment Exception Area as identified in Figure 2 of the Capital Improvements Element.
3. The proposed amendment involves residential land uses that are limited to a maximum density of 10 dwelling units per acre if **not** located in a transportation concurrency exception area or Regional Activity Center.
4. The proposed amendment does not involve the same property granted an amendment in the prior 12 months.
5. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.
6. The proposal cannot involve any text changes to the Plan's goals, objectives, and policies.
7. The proposed amendment is not in an area of critical state concern; and
8. The proposal involves the construction of affordable housing units, meeting the affordability criteria of Section 420.0004(3), Florida Statutes, on property which will be the subject of a restricted land use agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or allocation of federal tax credits through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration.

Applicants who want their eligible applications processed under the expedited "small-scale" amendment procedure must explicitly make such a request in the application. Generally, small-scale amendments will not be reviewed by the Florida Department of Community Affairs (DCA) or issued a notice of intent, and they will take effect 31 days after adoption by the Commission unless a challenge is filed.

At its initial public hearing to address the October 2010 cycle applications, the Commission could elect to adopt, adopt with change, or not adopt small-scale amendments. If it does not adopt a small-scale amendment, the Commission may elect to transmit it to DCA for review along with the standard amendment requests and take final action at its second public hearing, which will occur after State-agency review. Of course, failure to adopt as a small-scale amendment or to transmit effectively denies approval of the application.

#### Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1210; Miami, Florida 33128-1972; telephone (305) 375-2835.

#### **Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Declaration of Restrictions**

According to County Ordinance 03-40 pertaining to CDMP procedures, no applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the Land Use Plan map shall be permitted to argue or represent to the Board or other recommending County board a specific future use or uses for an application site without proffering a Declaration of Restrictions (covenant). The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a Declaration of Restrictions committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The Declaration of Restrictions and associated opinion of title and joinders should be submitted to the Department Director's Office on the 11<sup>th</sup> floor. The Director's Office is also where the applicant's representative will deliver the fully executed documents with all signatures on Declaration of Restrictions, Opinion of Title, any and all joinders with the fee for the recording through the Clerk of the Records.

**TABLE 1  
SCHEDULE OF ACTIVITIES  
OCTOBER 2010-2011 CDMP AMENDMENT CYCLE**

Pre-application Conference	Prior to November 1, 2010
Application Filing Period	October 1- November 1, 2010
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	November 8, 2010
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of Deficiency
Applications Report published by DP&Z	December 6, 2010
Deadline for submitting Technical Reports	December 30, 2010
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	January 28, 2011
Initial Recommendations Report released by DP&Z	February 25, 2011
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2011
Biscayne Shores Community Council	
Westchester Community Council	
South Bay Community Council	
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	April 2011** County Commission Chamber 111 NW 1st Street Miami, Florida 33128
Board Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	May 2011** County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	May 2011**
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Commission transmittal hearing
Receipt of DCA Objections, Recommendations and Comments (ORC) report	August 2011** (Approximately 75 days after transmittal)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	Specific date(s) to be set September 2011** (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action on Applications: Board of County Commissioners	Specific date(s) to be set in October 2011** (No later than 60 days after receipt of DCA ORC report)

Note: \* Date is subject to change. All hearings will be noticed by newspaper advertisement.

\*\* Estimated Date.

### **Deadlines for Submitting Covenants to be Considered**

Deadlines exist for providing covenants to be considered in the Department's written recommendations and at public hearings. The deadline for covenants to be submitted to staff is January 28, 2011 to be considered in the Initial Recommendations Report. If the Community Council, the Planning Advisory Board or the Board of County Commissioners is to consider a covenant in its decision-making, the deadline for submittal is 17 days prior to the hearing. If the Department is to consider the covenant in its written recommendation on an application in the Revised Recommendations Report, it must be received at least four weeks prior to the final hearing of the Planning Advisory Board.

**TABLE 2**  
**SCHEDULE OF DECLARATION of RESTRICTIONS DEADLINES**  
**October 2010-2011 CDMP Amendment Cycle**

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	January 28, 2011
Deadline for submitting revised Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	17 days prior to PAB Hearing
Deadline for submitting revised Declaration of Restrictions to be considered at Board (BCC) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	17 days prior to BCC Hearing
Deadline for submitting Declaration of Restrictions to be considered in the Revised Recommendations Report	4 weeks prior to PAB Final Public Hearing
Deadline for submitting Declaration of Restrictions to be considered at PAB Hearing Regarding Final Recommendations	Seventeen days prior to hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC Hearing Regarding Adoption of Standard Amendments	Seventeen days prior to hearing

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## **OVERVIEW OF THE OCTOBER 2010 AMENDMENT APPLICATIONS**

Three (3) applications to amend the Comprehensive Development Master Plan (CDMP) map were filed in this October 2010 Cycle of amendments. The three (3) applications (Application Nos. 1, 2 and 3) are proposed amendments to the CDMP Land Use Plan (LUP) map. Application Nos. 1 and 2 meet the criteria for small-scale map amendments under expedited review process. Application Nos. 2 and 3 seek to redesignate their corresponding subject properties from “Low Density Residential” to “Business and Office” land use category, while Application No. 1 seeks to redesignate its subject property from “Low-Medium Density Residential” to “Business and Office” land use category.



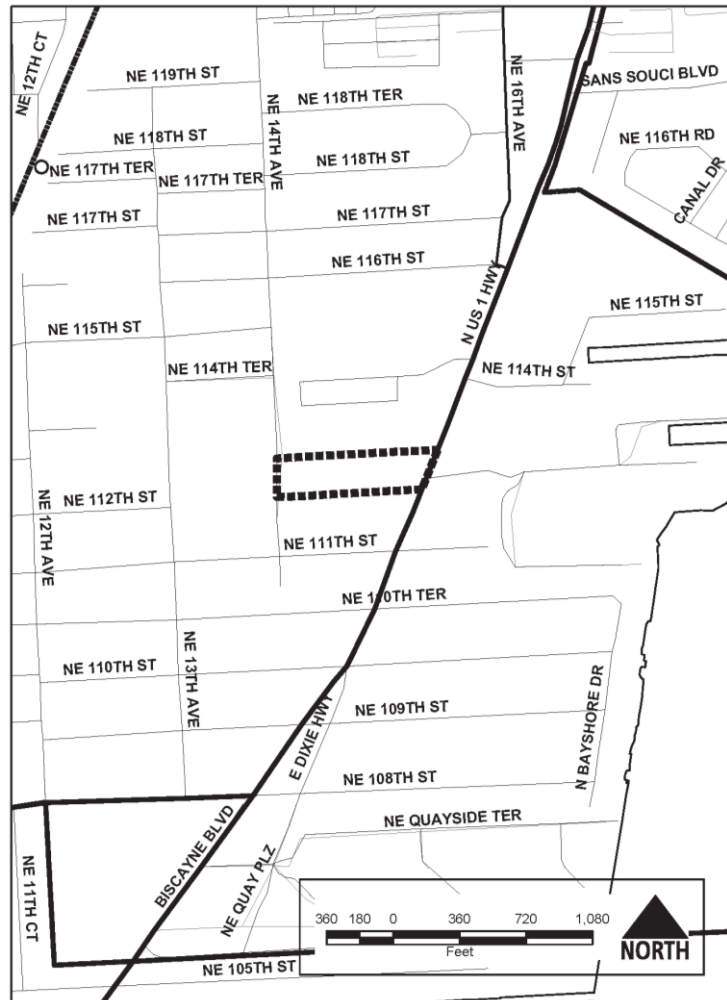
**Table 3**  
**LIST OF OCTOBER 2010 APPLICATIONS REQUESTING AMENDMENTS TO THE**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**

Application Number	Applicant/Representative Location Requested Changes	Acres (Gross/Net)
<b>Land Use Map Amendments</b>		
1	GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. West side of Biscayne Blvd. at theo. NE 112 Street and east of NE 14 Avenue From: Business and Office and Low-Medium Density Residential To: Business and Office Small-Scale Amendment	3.96
2	SunTrust Bank/Jeffrey Bercow, Esq. and Graham Penn, Esq. Southwest corner of SW 83 Avenue and SW 40 Street 1. From: Business and Office and Low Density Residential To: Business and Office 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment	4.73
3	WAL-MART Stores East, LLP/ Augusto E. Maxwell, Esq. and Joel E. Maxwell, Esq. Southeast corner of SW 137 Avenue and SW 288 Street From: Business and Office and Low Density Residential To: Business and Office Standard Amendment	18.5

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**APPLICATION NO. 1  
SMALL-SCALE AMENDMENT APPLICATION**

<b><u>Applicant</u></b>	<b><u>Applicant's Representative</u></b>
GRM Acquisition Corp. 1601 Washington Avenue, Suite 310 Miami Beach, Florida 33139	Joseph G. Goldstein, Esq. Tracy R. Slavens, Esq. 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)
<b><u>Requested Amendment to the Land Use Plan Map</u></b> From: Business and Office (1.05 gr. ac.) and Low-Medium Density Residential (2.91 gr. ac.) To: Business and Office Location: West side of Biscayne Blvd. at theo. NE 112 Street and east of NE 14 Avenue Acreage: Application area: 3.96 Gross Acres Acreage Owned by Applicant: 0 Acres	



**Notes:**

1. This page is not part of the Application
2. Disclosure of Interest contains only those applicable pages; all others were deleted.

**APPLICATION FOR A SMALL-SCALE AMENDMENT TO THE  
LAND USE PLAN MAP OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

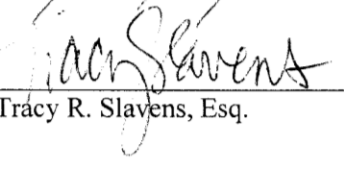
GRM Acquisition Corp.  
1601 Washington Avenue, Suite 310  
Miami Beach, Florida 33139

2. APPLICANT'S REPRESENTATIVES

Joseph G. Goldstein, Esq.  
Tracy R. Slavens, Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

By:   
Joseph G. Goldstein, Esq.

10/29/10  
Date

By:   
Tracy R. Slavens, Esq.

10/29/10  
Date

2010 OCT 29 P 2:43  
PLANNING & ECONOMIC  
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office."

B. Description of the Subject Area.

The subject property consists of approximately 3.60± net acres of land located in Section 32, Township 52, Range 42, in unincorporated Miami-Dade County. More specifically, the subject Property is located on the west side of Biscayne Boulevard at theoretical NE 112 Street. A legal description of the subject property is provided in Exhibit "A."

C. Acreage.

Subject application area: 3.96± gross acres  
3.60± net acres

Acreage owned by Applicant: 0 acres

D. Requested Change.

It is requested that the subject area be re-designated from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" on the Land Use Plan map through the small-scale amendment process.

4. REASONS FOR AMENDMENT

The subject Property is extraordinarily well-located on the west side of the Biscayne Boulevard corridor. Approximately one-third of the Property is designated "Business and Office" use, with the remaining two-thirds of the Property designated for "Low-Medium Density Residential" use. The Applicant requests the re-designation of the entire Property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" to enable a more flexible and unified approach to its future design and use. The Property was purchased by its current owners in 2004 and 2005 and is subject to a contract for sale to the Applicant. It has been used in a variety of ways over the past fifty years, including as a motel, but has been vacant since the structures were demolished several of years ago and the Property remained vacant since that time.

A. Property Location and Surrounding Area

The proposed change is compatible with the surrounding LUP Map and zoning designations as well as the actual land uses in the area.

Biscayne Boulevard, U.S. Highway 1, is one of the major north/south arterials serving Miami-Dade County and, in fact, the entire east coast of the United States, as it travels from the State of Maine to Key West. Biscayne Boulevard is configured as a five-lane divided roadway at this location and is served by two (2) Miami-Dade Transit bus routes (Route Numbers 3 and 93). The land along the east and west sides of Biscayne Boulevard in this portion of the County, both north and south of the Property, is designated "Business and Office," at least in part. However, the portion of the Property currently designated for "Business and Office" use, as well as the areas to the north and south, is configured as a very narrow strip, consistent with development patterns that existed decades ago when small retail stores fronted the boulevard. This narrow strip of "Business and Office" in this area is substandard and not wide enough to allow for true neighborhood-serving commercial development that would meet today's more rigorous design and market expectations. The Property is part of the Biscayne Corridor, which was defined by the County as a potential Redevelopment Area and is generally bounded on the north by NE 116 Street, on the east by Biscayne Boulevard, on the south by NE 112 Street, and on the west by NE 14 Avenue.

As noted above, approximately the east one-third of the Property is designated "Business and Office" and the western two-thirds of the Property is designated "Low-Medium Density Residential." The CDMP designations for the lands immediately surrounding the Property are:

- North: "Business and Office" and "Medium Density Residential;"
- East: "Business and Office" and "Medium Density Residential;"
- South: "Business and Office" and "Low-Medium Density Residential;" and
- West: "Low-Medium Density Residential" and "Low Density Residential."

The Property is currently zoned BU-1A (Limited Business District) on the east one-third and RU-4A (Hotel Apartment House District) on the western two-thirds. The BU-1A zoning category allows a full range of commercial, office and retail uses. While the RU-4A category, does not expressly allow a range of commercial and office uses as principal permitted uses, it does permit up to 50 residential or 75 hotel units per acre of development. The zoning designations for the lands immediately surrounding the Property are:

- North: BU-1A (Limited Business District), BU-2 (Special Business District), and RU-3M (Minimum Apartment House District);
- East: BU-2 (Special Business District), RU-4M (Modified Apartment House District), and RU-4 (High Density Apartment House District);
- South: BU-1A (Limited Business District) and RU-3M (Minimum Apartment House District); and
- West: RU-3M (Minimum Apartment House District).

As noted, the Property is currently vacant. A visit to the Property or review of the aerial photograph of the area reveals a significantly underdeveloped and underutilized portion of the County, particularly on the west side of Biscayne Boulevard. The existing development of the surrounding properties varies in density, intensity and use:

- North: Vacant;
- East: Multi-family residential;
- South: Vacant; and
- West: An electrical substation operated by Florida Power & Light.

A plant nursery, mobile home park, and adult entertainment establishment are located further to the north, while a one-story motel (circa 1951), older multi-family residential complex (circa 1972), and an office building (circa 1987) are located south of the Property on the west side of Biscayne Boulevard. There is a gas station on the east side of Biscayne Boulevard south of the Property. Behind the gas station and along the east side of the Biscayne Boulevard corridor between NE 106 to Street NE 116 Street, there exists a mix of single-family homes and approximately 2,000 multi-family residential units, including several high-rise residential towers (including The Jockey Club and the Towers at Quayside). It is expected that many of the residents from this area would benefit from the proposed changed use of the Property. There is a major need for community serving commercial and office uses to support the residents and passersby along this portion of the Biscayne Boulevard corridor.



B. "Business and Office" and Urban Infill Area

Designating the Property as "Business and Office" is consistent with the County's and State's stated planning goals which support greater flexibility to mix uses, densities and intensities in the County's Urban Infill Area ("UIA").

The Property is located within the County's Urban Infill Area. The UIA was established by Miami-Dade County in 1994 pursuant to Miami-Dade County Ordinance No. 94-192 and Chapter 163 of the Florida Statutes. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95. In connection with the UIA, the CDMP directs that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The goal of the UIA is also to promote the redevelopment of property along urban corridors, such as Biscayne Boulevard.

The current Future Land Use Plan map configuration would yield an underutilization of the Property in a manner that is inconsistent with CDMP Land Use Element Policy LU-1C. Policy LU-1C states, in relevant part, that "the County shall give priority to infill development on vacant sites in currently urbanized areas."

The area has experienced some reinvestment and redevelopment over the last fifty years. However, the configuration of land uses somewhat hinders extensive investment. Clearly, this application, which is seeking to expand the land use flexibility of the Property in order to facilitate its development with appropriate commercial uses pursuant to the "Business and Office" designation, achieves the County's policies. The State and County comprehensive plan goals to redevelop targeted mixed infill areas such as this, which feature ample infrastructure to serve redevelopment, promote such investment.

In fact, relating to the area's infrastructure, it should be noted that the Property is located within walking distance of the existing FEC rail line, which is designated on the FLUM as a Future Rapid Transit Corridor. The location of the Property between Biscayne Boulevard and this future potential rail based transit is undeniably consistent with State, Regional and local planning goals. For example, the County's Future Land Use Objective LU-7 provides:

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

This application undoubtedly meets this Objective. In fact, to the extent that financing is sought in the future for a potential transit line, the intensification of the land use for the Property in such close proximity to the rail line would undoubtedly help justify and support such a request.

Given its location in the County's Urban Infill Area, the re-designation of the Property to "Business and Office" would be an appropriate FLUM amendment in furtherance of the goals and objectives of the CDMP and the State's Comprehensive Plan. The importance of satisfying these goals is that much more significant at this time, when the countywide unemployment rate is in excess of 14%.

### C. Biscayne Corridor Community Redevelopment

Not only is the Property appropriate for promoting redevelopment as an infill parcel, it has been studied in detail and identified by the County Commission as blighted and appropriate for redevelopment.

The Property was included in the Necessity Study area for the proposed Biscayne Corridor Redevelopment Area. The Necessity Study examined conditions in the Redevelopment Area and concluded that slum and blight existed in the area, as defined by Chapter 163 of the Florida Statutes.<sup>1</sup> The Necessity Study, prepared by Curtis & Kimball and dated January 2005, was accepted by the Board of County Commissioners pursuant to Resolution No. R-609-05.

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<sup>1</sup> 163.340 Definitions. The following terms, wherever used or referred to in this part, have the following meanings:

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

The Necessity Study assessed the Biscayne Corridor's current uses, site conditions, vacancy rates, housing types, economic conditions, and transportation facilities. It determined that the existing conditions in the Biscayne Corridor were leading to economic distress and risked endangering life and property. The Necessity Study further determined that the land use regulations applying to the area were defective. The land use regulations were determined defective, in part, because the narrow strip of commercially-zoned lands were not configured to yield the highest potential of development. The Necessity Study concluded that there was a need for redevelopment due to the area's deficiencies in attracting market-based investment of the same rate and quality as surrounding areas and the County as a whole and recommended that the Biscayne Corridor be designated a Community Redevelopment Area ("CRA") in order to improve the blighted condition of the area.

The proposed Biscayne Corridor Community Redevelopment Area was considered by the Board of County Commissioners in April 2006, but the item was deferred indefinitely, not because of a lack of need or opposition but because a private development plan had already been proposed for a portion the land, with the instruction to the County Manager and County Attorney to continue working to determine whether a Community Redevelopment Area was advisable. Unfortunately for the area, the private redevelopment plan never came to fruition due to the downturn in the real estate market and the Board of County Commissioners has yet to reschedule consideration of the Biscayne Corridor Community Redevelopment Area on its agenda because the current County budget would not be able to fund it. As a result, the slum and blight identified in the Necessity Study continues to exist in the area.

The Applicant is not advocating that a CRA be established for this portion of the Biscayne Corridor. In fact, the Applicant seeks at this time to redevelop this portion of the Biscayne Corridor without the need of CRA assistance. However, the findings of the Necessity Study make it abundantly clear that the proposed land use change is not only appropriate for this Property, but that it in fact should be promoted by the County. The State Comprehensive Plan, Policy 16(b)12, urges county and municipal governments to "promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers." CDMP Policy LU-10A states that "Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas... to promote energy conservation." Land Use Concept number 8 of the CDMP provides that the County should "[r]ejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses."

#### D. Minor Statistical Area 4.1

The Property is located within Minor Statistical Area ("MSA") 4.1, which encompasses lands east of Interstate I-95 and west of Biscayne Bay between I-195 and NE 125 Street. The MSA had an estimated population of 81,834 in 2000, and is projected to have a population of 95,674 in 2015 and 95,996 in 2025. The latest commercial land supply data for MSA 4.1 estimates that approximately 357.2 acres (87.8%) are in use and 50 acres (12.2%) are vacant. It is projected

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(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

that the supply of commercial land will be depleted in 2030+. Although the data shows current supply of commercial land to be sufficient for the next 20+ years, this figure is misleading. Much of the vacant commercial land within the MSA is located along the 1.7 mile strip of Biscayne Boulevard between NE 105 Street and NE 123 Street and is configured similarly to current designation on the Property -- with only a narrow strip of "Business and Office" use fronting the roadway. This configuration is substandard and does not support redevelopment or good and flexible urban design.

E. Consistency and Compatibility with CDMP Goals, Objectives and Policies

This application satisfies numerous County CDMP Goals, Objectives and Policies, several of which have already been discussed in this Application.

Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses. The current zoning designations on the Property would, at best, permit a version of mixed-use development with a narrow strip of commercial uses fronting Biscayne Boulevard and residential uses with a residential density of up to 50 residential units per acre on the remainder of the Property. The development of a mixed-use project of this kind has proven unfeasible for the Property owners and potential developers. The Property's current CDMP designations are substandard, inefficient and unmarketable. As a result, the Property has remained undeveloped and underutilized.

The Applicant believes that the approval of an amendment of the Future Land Use Map to "Business and Office" for the Property would be an appropriate change and will help to satisfy the deficiency of adequate, developable commercial land along the Biscayne Boulevard corridor. Accordingly, approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

LAND USE OBJECTIVE LU-1: The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY LU-1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily

warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE LU-2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY LU-2A: All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

LAND USE OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

LAND USE POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY LU-8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE OBJECTIVE LU-10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate continuous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to support energy conservation.

LAND USE OBJECTIVE LU-11: Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

LAND USE OBJECTIVE LU-12: Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in PolicyTC-1B or in a built-up area with urban services that is situated in a Community Block Grant (CDBG) -eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 8: Rejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

## 5. ADDITIONAL MATERIAL SUBMITTED

Additional information may be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Property – Exhibit "A"  
Disclosure of Interest Form – Exhibit "B"  
Location Map for Application – Exhibit "C"  
Aerial Photograph – Exhibit "D"  
Section Sheet – Exhibit "E"  
Resolutions R-1016-04 and R-609-05 - Exhibit "F"

## EXHIBIT "A"

### Legal Description of Subject Property:

includes folio numbers 30-2232-008-0010, 30-2232-008-0030, 30-2232-000-0160

#### PARCEL 1:

That part of the South 1/2 of Tract "A" of Revised Plat of SEARENTO, according to the plat thereof, recorded in Plat Book 34, at Page 21, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning at a point on the West line of Biscayne Boulevard which point is 55.07 feet West of the Center line of Biscayne Boulevard and 50 feet South of the Northeast corner of said South 1/2 of Tract "A" of SEARENTO, thence run West parallel with and 45.40 feet South of the North line of the said South 1/2 of Tract "A" a distance of 794.41 feet to the West line of the said South 1/2 of Tract "A"; thence run South and along the West line of said South 1/2 of Tract "A" of SEARENTO a distance of 119.65 feet to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO; thence run East and along the South line of said South 1/2 of Tract "A" to the West line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard a distance of 131.73 feet more or less to the Point of Beginning.

#### ALSO PARCEL 2:

Beginning at a point 825 feet South of the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, said point also being the Southwest corner of the South 1/2 of Tract "A" of SEARENTO according to the revised plat thereof, recorded in Plat Book 34, at Page 21 of the Public Records of Miami-Dade County, Florida; thence run South along the West line of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East and distance of 47.4 feet; thence run East parallel with and 47.4 feet South of the South line of said South 1/2 of Tract "A" of SEARENTO a distance of 717.90 feet more or less to the West line of Biscayne Boulevard which said point on the West line of Biscayne Boulevard is 55.05 feet West of the center line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard 53.09 feet to the Southeast corner of the South 1/2 of Tract "A" of SEARENTO; thence run West and along the South line of said South 1/2 of Tract "A" of SEARENTO to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO, being the Point of Beginning; said tract of land being in the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, Township 52 South, Range 42 East, Miami-Dade County, by Deed recorded in O.E.D. Book 2613, Page 117.



## EXHIBIT "B"

### DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

**APPLICANT:** GRM Acquisition Corp.  
1601 Washington Avenue, Suite 310  
Miami Beach, FL 33139

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
	11190 Biscayne, LLC	30-2232-000-0160	+/- 32,469 s.f.
		30-2232-008-0030	+/- 2.01 acres
	Searento Trust, LLC	30-2232-008-0010	+/- 36,743 s.f.

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2, above.**

APPLICANT	OWNER	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach) Explanation )
		X		

**4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.**

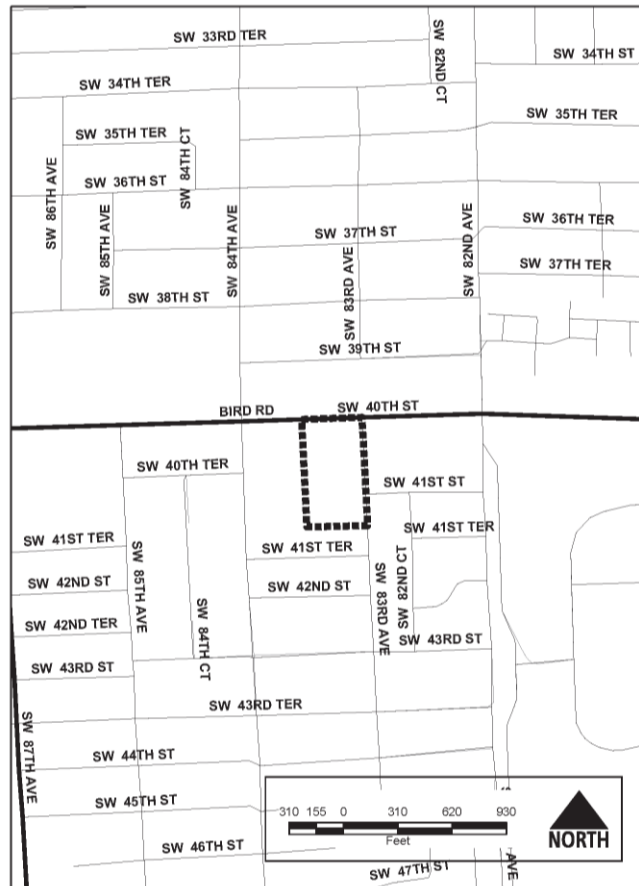
**a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.**

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
	%

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## APPLICATION NO. 2 SMALL-SCALE AMENDMENT APPLICATION

<u><b>Applicant</b></u>	<u><b>Applicant's Representative</b></u>
SunTrust Bank 303 Peachtree Street, N.E. Atlanta, Georgia 30308	Jeffrey Bercow, Esq. Graham Penn, Esq. Bercow and Radell, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-5300
<b><u>Requested Amendment to the Land Use Plan Map</u></b> From: Business and Office (2.43 gr. ac.) and Low Density Residential (2.3 gr. ac.) To: Business and Office Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element  Location: Southwest corner of SW 83 Avenue and SW 40 Street Acreage: Application area: 4.73 Gross Acres Acreage Owned by Applicant: 4.07 Net Acres	



**Notes:**

1. This page is not part of the Application
2. Disclosure of Interest contains only those applicable pages; all others were deleted.

**SMALL-SCALE AMENDMENT REQUEST TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
OCTOBER 2010-2011 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

SunTrust Bank  
303 Peachtree Street, N.E.  
Atlanta, GA 30308

**2. APPLICANT'S REPRESENTATIVES**

Jeffrey Bercow, Esq.  
Graham Penn, Esq.  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard  
Suite 850  
Miami, Florida 33131  
(305) 374-8300

By:   
Jeffrey Bercow, Esq.

Date: November 1, 2010

By:   
Graham Penn, Esq.

Date: November 1, 2010

**3. DESCRIPTION OF REQUESTED CHANGES**

A revision to the Comprehensive Development Master Plan ("CDMP") Land Use Plan map is requested:

- A. A change to the Land Use Element, Land Use Plan Map (Item A.1 in the fee schedule) is requested.

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

2010 NOV - 1 P 2:11

## B. Description of Application Area

The Application Area consists of 4.73 gross acres (4.07 net acres) located at 8300 Bird Road in Section 22, Township 54, Range 40 in unincorporated Miami-Dade County. See attached Sketch.

## C. Acreage

Application Area: 4.73 gross acres (4.07 net acres).

Acreage owned by Applicant: 4.07 net acres.

## D. Requested Changes

- 1) The Applicant requests an amendment to the Land Use Plan Map to change the designation of the application area from “Business and Office and Low-Density Residential” to “Business and Office.”
- 2) The Applicant requests that the application be processed under the expedited “small scale” amendment process.
- 3) The Applicant requests that the proffered “Declaration of Restrictions” be incorporated into the text of the Land Use Element.

## 4. REASONS FOR AMENDMENT

Description of Application Area. The application area, consisting of 4.07 net acres, is located at the southeast corner of Bird Road and S.W. 83 Avenue (8300 Bird Road). The application area is currently developed with a single story commercial building of approximately 27,000 square feet and accessory bank “drive thru” structure on the southern edge of the area. The existing structure was constructed in 1962. The area surrounding the application area is a mix of older commercial uses to the north, west and northeast and low density residential uses to the south and east.

The approximate northern half of the Application Area is currently designated for Business and Office use. The approximate southern half of the Application Area is currently designated for Low-Density Residential use. The vast majority of the Application Area is zoned for Limited Business (BU-1A) use, while a narrow strip on the southeast portion of the Application Area is zoned for Single Family Residential (RU-1) use.

Development History. The application area’s development history is fairly typical for the surrounding neighborhood. In 1959, the Application Area was rezoned to allow a commercial development of the property. Utilizing a common technique of the 1950s and 1960s, the Board of County Commissioners required the east one hundred (100) feet of the approximately 285 southern feet of the Application Area to remain zoned for residential uses (RU-1) to act as a buffer for the low density residential uses to the south,

east, and southeast of the Application Area. This rather crude tool has since generally been replaced in modern zoning practice by site plan controls.

Subsequent to the initial zoning action, the applicant's predecessor in interest obtained zoning approvals to permit the use of the RU-1 zoned portion of the Application Area for parking serving the commercial use, subject to additional restrictions. The RU-1 zoned portion has thereafter functioned as part of the commercial development of the Application Area. The existing development of the Application Area consists of a underutilization of the site, with a Floor Area Ratio of just .15.

Upon the adoption of the County's modern CDMP the Future Land Use Plan Map designations for the Application Area followed the existing zoning line as applied to the RU-1 zoned land and also designated the southern portion of the land for Low Density Residential use despite its commercial use and zoning.

Redevelopment Proposed. The applicant now plans on redeveloping the Application Area with a single unified commercial development. In order to realize a reasonable modern commercial development of the land, it will be necessary to unify the Application Area's Future Land Use Plan Map designations to the Business and Office category. The approval of the Application would permit the redevelopment of a site that has functioned as a commercial property for over forty years, despite its mixed Land Use Plan Map designations.

Consistency of Request. The instant application is consistent with multiple provisions of the CDMP Land Use Element.

Need for Commercial Land (Policy LU-8E). According to the Planning Department's analysis in the Draft 2010 Evaluation and Appraisal Report, there is a need for additional commercial land in Minor Statistical Area 5.4 ("MSA 5.4"). The MSA has 13.5 acres of vacant commercial land, which is expected to be exhausted by 2020, and is located in the Planning Tier with the smallest amount of commercial land supply in the County. Therefore, there is a recognized need for additional commercial land in this area. The approval of the instant application will assist in increasing that supply, especially in that it will allow the redevelopment of the Application Area with a modern commercial use that can more efficiently utilize the land.

The instant application is also consistent with the remaining standards of LU-8E. Based on a review of the available records, it appears that adequate infrastructure capacity will exist to support a redevelopment of the Application Area. The commercial use of the Application Area is compatible with the surrounding neighborhood (and has been for over forty years). Finally, the redevelopment of the Application Area would not impact environmental or historic resources. The instant application therefore is consistent with all of the requirements of Policy LU-8E for a Land Use Plan Map revision.

Redevelopment of Existing Urban Sites and Infill Development (Policies LU-1C, LU-1S, LU-10A). The CDMP Land Use Element encourages the redevelopment of

“underdeveloped” sites contiguous to existing urban development and urban infill development. The approval of the instant application would be consistent with those Policies.

Guidelines for Urban Form. The Land Use Element text would typically require commercial uses to be located at “Activity Nodes” located at the intersection of section line roadways. However, the Land Use Element recognizes that the “general pattern of use, intensity and infrastructure which exists in an established neighborhood” would permit an exception to this development pattern (Land Use Element, pg. I-26). The pattern of development in the immediate surrounding area includes a commercial strip of varying depth running along the length of Bird Road. The CDMP expressly recognizes the existing pattern of “strip” commercial development along the Bird Road corridor. Given that the Application Area is an existing long-standing commercial site, the formal extension of the Business and Office designation to the entire parcel is consistent with the interpretative language of the Land Use Element.

Limit on Residential Development. The applicant has no immediate plans to seek residential development of the Application Area. In order to assure the County that the approval of the instant application would not lead to the development of a significant number of residential units, while still leaving room for future flexibility, the applicant is submitting a draft “Declaration of Restrictions” providing that any residential development on the Application Area shall not exceed ten (10) units per gross acre.

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Draft Declaration of Restrictions
- 2) Aerial Photograph/Section Map
- 3) Reduced Survey

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

## **6. COMPLETE DISCLOSURE FORMS: See attached.**

## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

### 1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: SunTrust Bank

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. **PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

	APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	SunTrust Bank	SunTrust Bank	30-4022-010-0060	4.07



3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A	X			

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** SunTrust Bank

<u>NAME, ADDRESS, AND OFFICE ( if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
SunTrust Banks, Inc., A Publicly Traded Corporation	100%
303 Peachtree Street, N.E.	
Atlanta, GA 30308	

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

N/A

For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

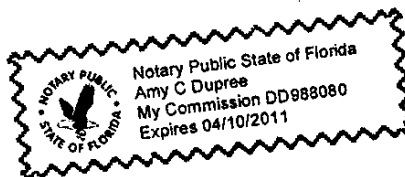
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Kevin M. Pomet  
Kevin Pomet  
First Vice President  
SunTrust Bank - Corporate Real Estate

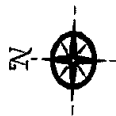
Sworn to and subscribed before me  
this 27<sup>th</sup> day of October, 20 10.

Notary Public, State of Florida at Large (SEAL)  
My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

- |  |                    |  |               |
|--|--------------------|--|---------------|
|  | Block Lines        |  | Grid Lines    |
|  | Lot Lines          |  | Section Lines |
|  | Easement Lines     |  | Rail Lines    |
|  | Municipality Lines |  | Zone Lines    |



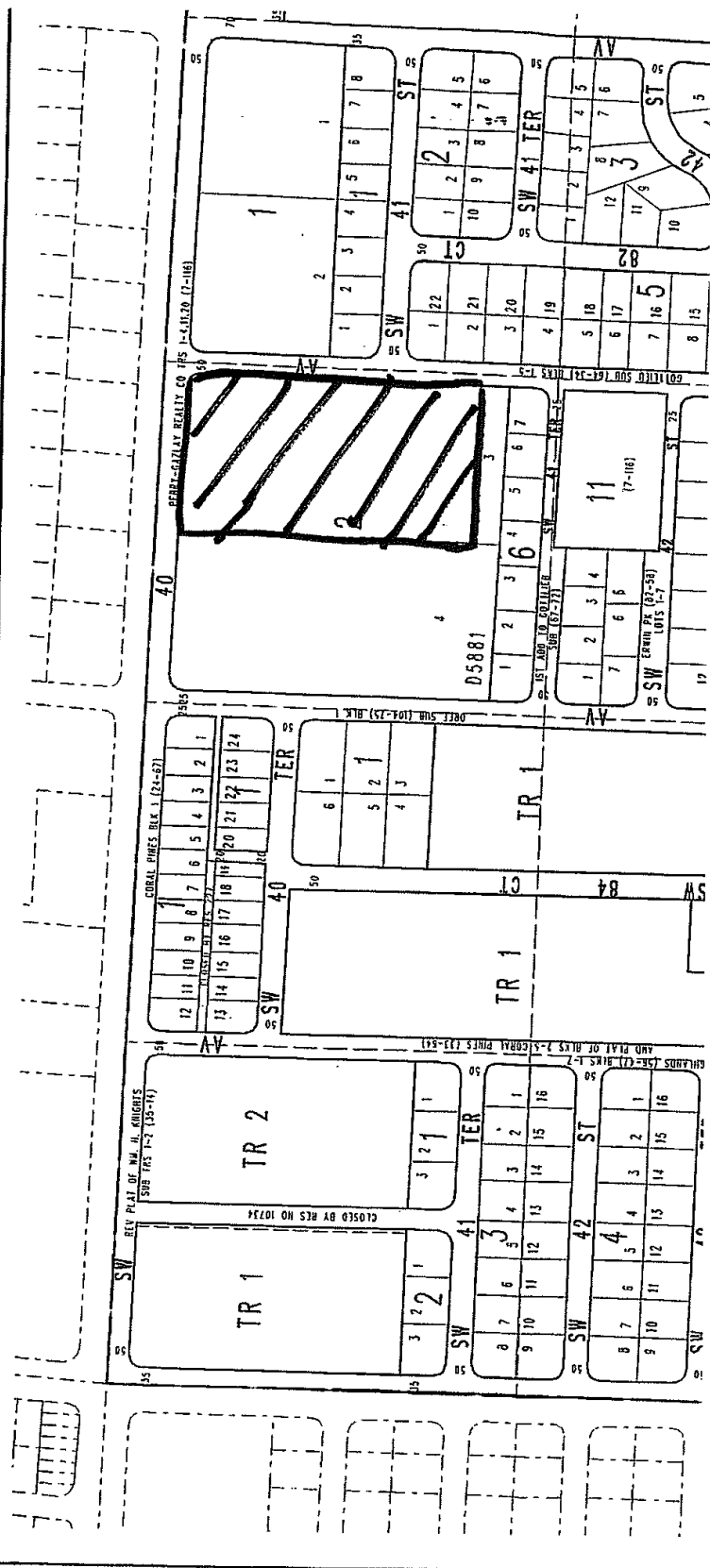
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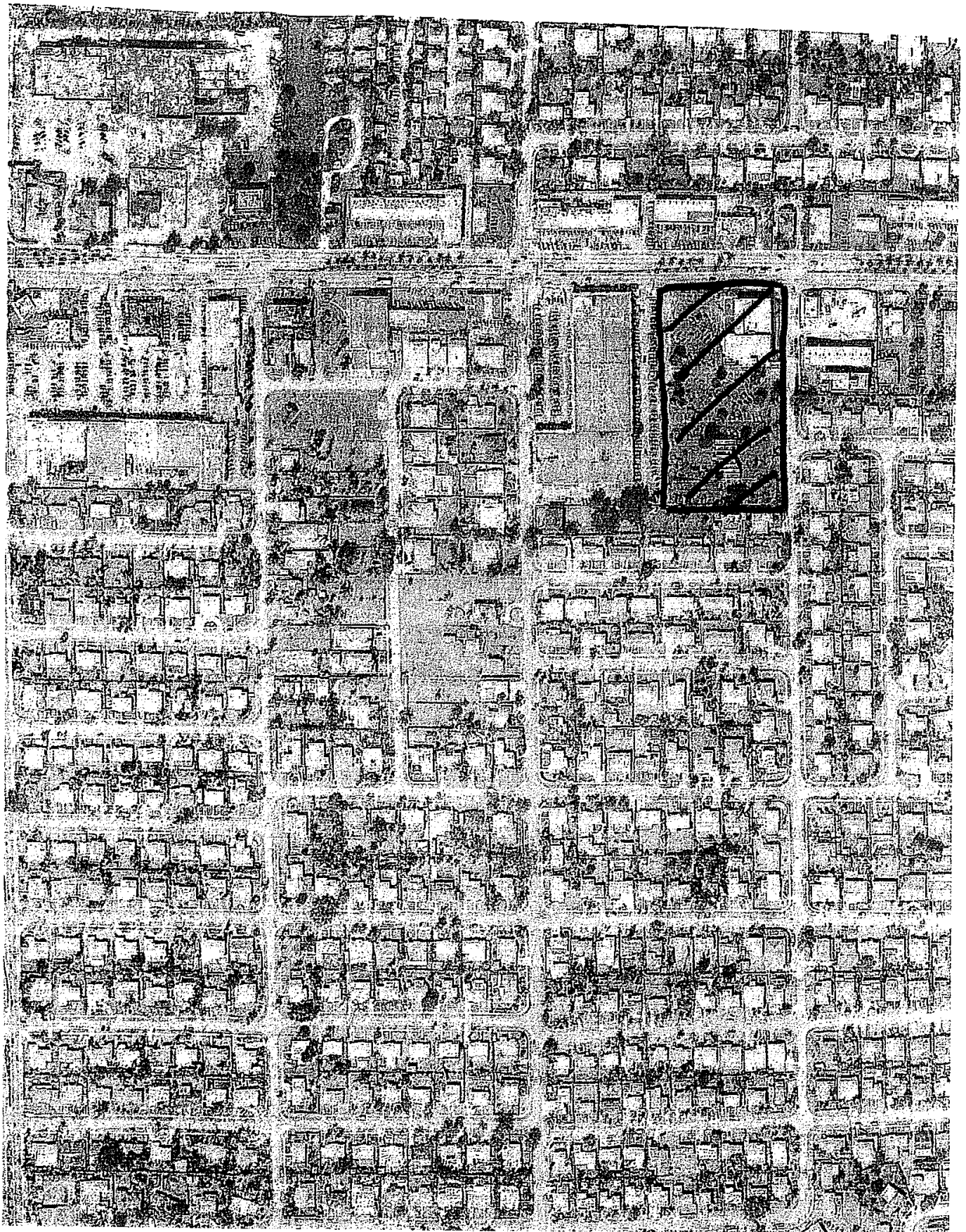
#### NOTE:

The portion of this map which lies within the limits of a Municipality is not updated regularly and may be incomplete or contain errors.

#### NOTICE

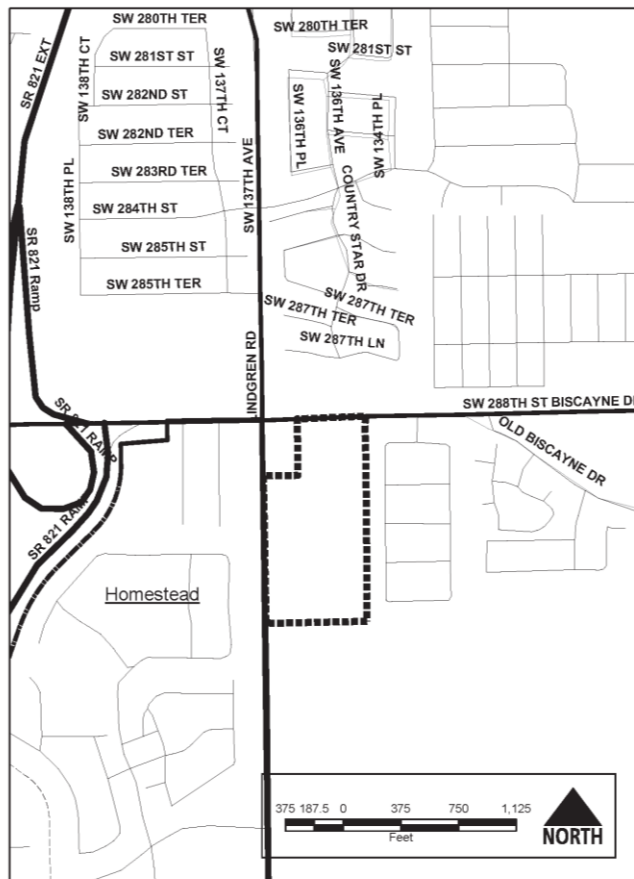
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# **APPLICATION NO. 3** **STANDARD AMENDMENT APPLICATION**

<u><b>Applicant</b></u>	<u><b>Applicant's Representative</b></u>
Wal-Mart Stores East, LP 2001 S.E. 10 <sup>th</sup> Street Bentonville, Arkansas 72716-0550 Attention: Brian E. Hooper Vice President, Wal-Mart Stores East, LP	Augusto E. Maxwell, Esq. and Joel E. Maxwell, Esq. Akerman, Senterfitt, P.A. One Southeast Third Avenue, 25 <sup>th</sup> Floor Miami, Florida 33131-1741 (305) 374-5600 (305) 374-5095 (fax)
<u><b>Requested Amendment to the Land Use Plan Map</b></u> From: Business and Office (3.7 gr. ac.) and Low Density Residential (14.8 gr. ac.) To: Business and Office Location: Southeast corner of SW 137 Avenue and SW 288 Street Acreage: Application area: 18.5 Gross Acres Acreage Owned by Applicant: 0 Acres	



**Notes:**

1. This page is not part of the Application
2. Disclosure of Interest contains only those applicable pages; all others were deleted.

**APPLICATION FOR AN AMENDMENT TO THE  
LAND USE PLAN MAP  
OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2010 OCT 29 A 11:34  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

1. APPLICANT

**WAL-MART STORES EAST, L.P.  
2001 S.E. 10<sup>th</sup> Street  
Bentonville, Arkansas 72716-0550  
Attention: Brian E. Hooper  
Vice President, Wal-Mart Stores East, LP**

2. APPLICANT'S REPRESENTATIVE

Augusto E. Maxwell, Esq.  
Joel E. Maxwell, Esq.  
Akerman, Senterfitt, P.A.  
One Southeast Third Avenue, 25th Floor  
Miami, FL 33131-1741  
(305) 374-5600  
(305) 374-5095 (fax)

By: Joel E. Maxwell  
Joel E. Maxwell, Esq.

10/29/10  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element Land Use Plan Map (Item A.1(d) in the fee schedule) is requested to re-designate the Subject Area from "Low Density Residential (LDR 2.5-6 DU/AC)" and "Business and Office" to "Business and Office."

B. Description of Subject Area.

The Subject Area consists of approximately 18.5± gross acres that is a parcel of land (folio number 30-7902-000-0110) the LUP Map currently designates as "Low Density Residential (LDR 2.5-6 DU/AC) and "Business and Office." See Composite Exhibit "A".

For convenience, this Application will refer to these approximately 18.5± acres as the "Subject or Application Area," and the Net Acres as the "Property." The Property is located in Township 57, Range 39, Section 02, on the southeast corner of the intersection of S.W. 288<sup>th</sup> Street (a/k/a "Biscayne Drive") and S.W. 137<sup>th</sup> Avenue (a/k/a "Speedway Boulevard").

C. Acreage.

Subject Area:                      18.5± Gross acres  
   16.8± Net Acres

Acreage owned by Applicant:   0 Acres (Applicant has a contract to purchase the Property)

D. Requested Changes.

It is requested that the Land Use Plan Map be amended to re-designate the subject area from "Low Density Residential (LDR 2.5-6 DU/AC)" and "Business and Office" to "Business and Office."

4. REASONS FOR AMENDMENT

This application seeks an extension of the existing "Business and Office" designation that exists along the northern portion of this approximately 17 acre parcel southward to encompass the entirety of the Property and thereby allow the development of a Wal-Mart Supercenter. Among the many reasons supporting this re-designation are (1) that it would conform the existing "Business & Office" designation to the Property's existing parcelization; (2) that such a larger "Business & Office" designation will conform the Property with similarly large "Business & Office" designations and uses on two of the three abutting quadrants at the intersection of two Major Roadways; and (3) that such re-designation will allow for a significant commercial development not possible under the Property's current "Low Density Residential," which given the recent extended economic downturn is no longer realistic.

The Property is within the Urban Development Boundary, approximately 1/3 of a mile west of Homestead Air Force Base and 1/3 of a mile east from the Homestead Extension of the Florida Turnpike. It is essentially a rectangular parcel at the southeast intersection of two Major Roadways -- SW 288<sup>th</sup> Street a/k/a Biscayne Drive and 137<sup>th</sup> Avenue a/k/a Speedway Boulevard. The Property's northwest corner is notched with two small cut-out parcels -- one is vacant and the other is a small day care facility. The Property itself is owned by South Miami Hospital and is currently leased for agricultural use. It is the subject of a purchase and sale agreement with Wal-Mart Stores East, L.P., which is contingent on County approval of the proposed Wal-Mart Supercenter.

As noted above, the Property is already designated "Business & Office" along its northern quarter which is presumably in conformance with its current BU-1A zoning. The balance of the Property is designated "Low Density Residential," and is zoned Agricultural.



Abutting the Property along its east is a single-family development, and to its south are farm uses. On its west, the Property abuts the two small cut-out parcels described above, and SW 137 Avenue (Speedway Boulevard). Beyond these are the *Tallahassee Shopping Center* with Publix, Walgreens, Pollo Tropical and a Bank of America, among other retail uses. Also to the west and to the south of the shopping center is *Waterstone* – an expansive and gated single-family residential development. On the Property's north, abut the two small parcels and SW 288<sup>th</sup> Street (Biscayne Drive.) Beyond these lie a service station and other retail uses including a Wendy's. On the northwest quadrant of the intersection of SW 288<sup>th</sup> Street and 137<sup>th</sup> Avenue is *Biscayne Shops*, another large retail development that includes a Home Depot, a Burger King and a bank among other retail uses. The current CDMP designations for all these surrounding properties track their existing zoning and established uses such that they are also designated "Business & Office," "Low Density Residential," and "Low Medium Density Residential," respectively. This Property is the only parcel at this intersection of two Major Roadways which is undeveloped under its existing, split land use designations.

Given the recent economic crisis, particularly the market collapse for single-family homes in south Miami-Dade County, it is highly unlikely that there will be future demand within the applicable planning framework for additional single-family homes as currently contemplated by the Property's existing "Low Density Residential" designation. Accordingly, extension of the existing "Business and Office" designation to the balance of the Property is a relatively minor amendment that will allow for a significant commercial investment with resulting retail services and much needed employment opportunities for the surrounding residential communities.

Such a change is expressly consistent with the following CDMP Land Use Goals, Objectives and Policies:

## **GOAL**

PROVIDE THE BEST POSSIBLE DISTRIBUTION OF LAND USE AND SERVICES TO MEET THE PHYSICAL, SOCIAL, CULTURAL AND ECONOMIC NEEDS OF THE PRESENT AND FUTURE POPULATIONS IN A TIMELY AND EFFICIENT MANNER THAT WILL MAINTAIN OR IMPROVE THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT AND AMENITIES, AND PRESERVE MIAMI-DADE COUNTY'S UNIQUE AGRICULTURAL LANDS.

### **Objective LU-1**

The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.



## **Policies**

- LU-1B. Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-IG. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

## **Objective LU-2**

Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

## **Policies**

- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

- LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map. ....

#### **Objective LU-4**

Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.

#### **Policies**

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4E. Zoning shall be examined to determine consistency with the Comprehensive Plan, and if deemed necessary to remedy an inconsistency, rezoning action shall be initiated....
- LU-4F. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.

#### **Objective LU-8**

Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map consistent with the adopted Goals, Objectives and Policies of this plan, which will provide that the Land use Plan Map accommodates projected countywide growth.

#### **Policies**

- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities Density patterns should reflect the Guidelines for Urban Form contained in this Element.

- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
  - ii) Enhance or impede provision of services at or above adopted LOS Standards;
  - iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
  - v) Enhance or degrade environmental or historical resources, features or systems of County significance; and If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

5. ADDITIONAL MATERIAL SUBMITTED

- a) Aerial Photograph
- b) Section Map

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibits "B" and "C"

Attachments: Composite Exhibit "A" – Location Maps of Subject Area  
Disclosure of Interest Forms – Exhibits "B" and "C"

## EXHIBIT "B"

### DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

**APPLICANT A:** WAL-MART STORES EAST, L.P., a Delaware limited partnership

2001 S.E. 10<sup>th</sup> Street

Bentonville, Arkansas 72716-0550

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A: Wal-Mart Stores East, L.P.	South Miami Hospital, Inc.	30-7902-000-0110	14.54
	6200 S.W. 73 <sup>rd</sup> Street		
	Miami, FL 33143		

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.**

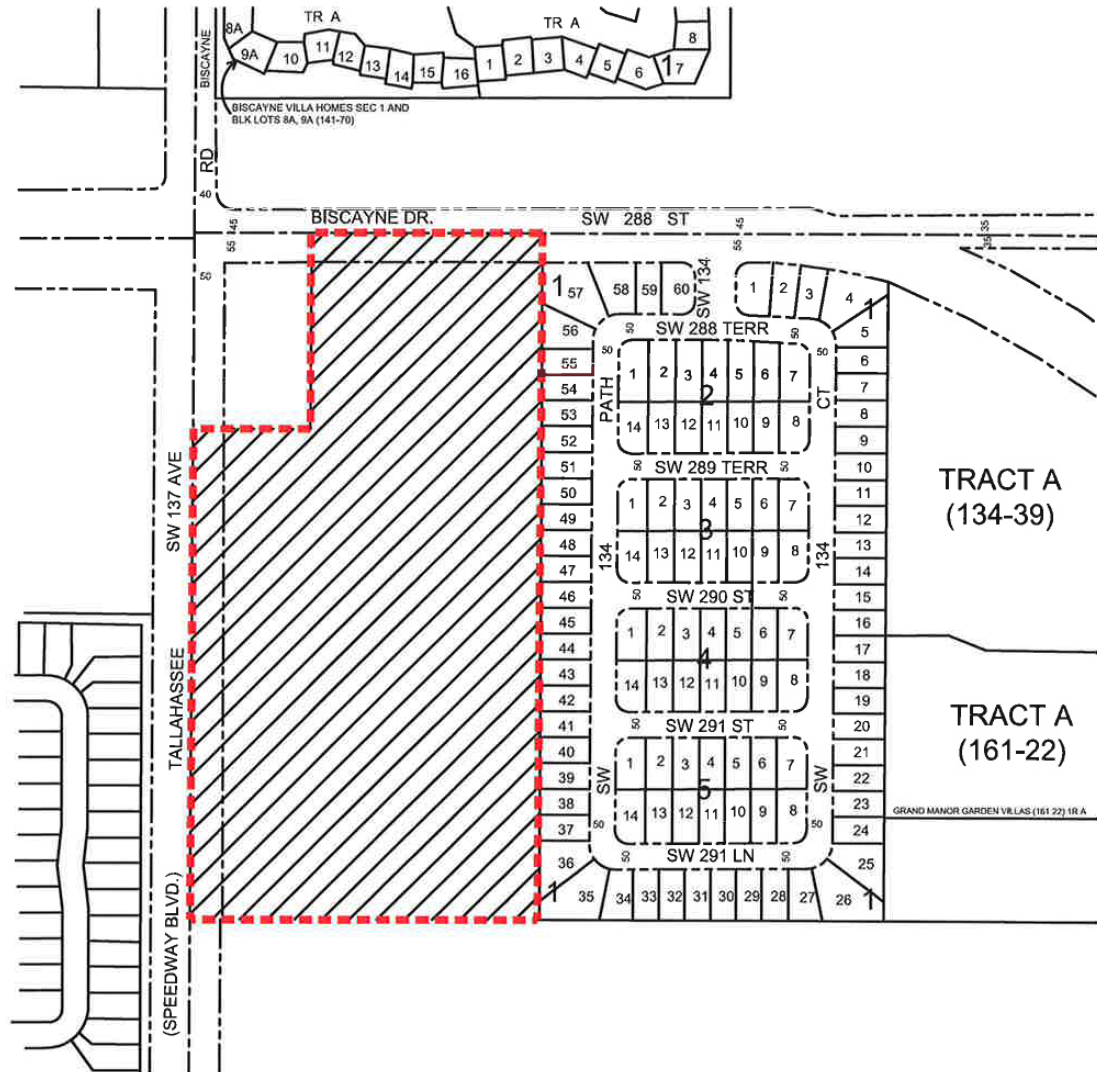
APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation )
A: Wal-Mart Stores, East, L.P.			X	

COMPOSITE EXHIBIT "A-1"  
WAL-MART STORES EAST, L.P.

LOCATION MAP FOR APPLICATION TO AMEND  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

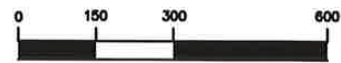
LOCATION MAP

--- APPLICATION AREA (18.5 ± GROSS) / (16.8± NET)



**CREECH**  
ENGINEERS, INC.

729 S.E. FEDERAL HIGHWAY, SUITE 100, FORT LAUDERDALE, FL 33304-1113  
OFFICES ALSO IN JUPITER, MELBOURNE AND TALLAHASSEE FL.  
BOARDS OF PROFESSIONAL ENGINEERS CERTIFICATE OF AUTHORIZATION NUMBER 1716  
PROFESSIONAL ENGINEERS AND SURVEYORS, LICENSED IN FLORIDA AND ALABAMA



1 inch = 300 ft.

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS ISSUED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF ANY PORTION HEREOF IN THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY CREECH ENGINEERS, INC. SHALL BE WITHOUT LIABILITY TO CREECH ENGINEERS, INC.



COMPOSITE EXHIBIT "A-2"  
WAL-MART STORES EAST, L.P.

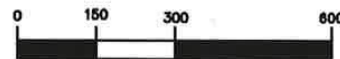
LOCATION MAP FOR APPLICATION TO AMEND  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

AERIAL LOCATION MAP

----- APPLICATION AREA (18.5± GROSS) / (16.8± NET)



**CREECH**  
ENGINEERS, INC.  
CIVIL/ENVIRONMENTAL ENGINEERS  
REGISTERED PROFESSIONAL ENGINEERS  
OFFICES ALSO IN ALBUQUERQUE, NEW MEXICO AND TAMPA, FLORIDA



1 inch = 300 ft.

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. NO USE OF AND NO RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY CREECH ENGINEERS, INC. SHALL BE WITHOUT LIABILITY TO CREECH ENGINEERS, INC.

## EXHIBIT "B"

### DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

**APPLICANT A:** WAL-MART STORES EAST, L.P., a Delaware limited partnership

2001 S.E. 10<sup>th</sup> Street

Bentonville, Arkansas 72716-0550

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A: Wal-Mart Stores East, L.P.	South Miami Hospital, Inc.	30-7902-000-0110	16.8±
	6200 S.W. 73 <sup>rd</sup> Street		
	Miami, FL 33143		

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.**

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation )
A: Wal-Mart Stores, East, L.P.			X	

**PARTNERSHIP NAME:** Wal-Mart Stores East, L.P., a Delaware limited partnership

NAME AND ADDRESS OF OFFICE (if applicable)

PERCENTAGE OF  
INTEREST

See attached Exhibit "C"

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- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF  
INTEREST

Wal-Mart Stores East, L.P., a Delaware limited partnership

See attached Exhibit "C"

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Date of Contract July 15, 2010

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

N/A

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5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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N/A

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

South Miami Hospital, Inc., a Florida not-for-profit corporation, f/k/a South Miami Hospital Foundation, Inc.  
6200 S.W. 73<sup>rd</sup> Street, Miami, FL 33143

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
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South Miami Hospital, Inc., is a Florida not-for-profit corporation, and as such has no principals or stockholders. This corporation is managed by a Board of Directors, each of which is an independent person with no ownership interest in this corporation.

- f. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES**

**NAME:** N/A

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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- g. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
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N/A

- h. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
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Wal-Mart Stores East, L.P., a Delaware limited partnership

See attached Exhibit "C"

Date of Contract July 15, 2010

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust

N/A

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

**Applicant's Signatures and Printed Names**

WAL-MART STORES EAST, L.P.,

a Delaware limited partnership

WSE Management, LLC,

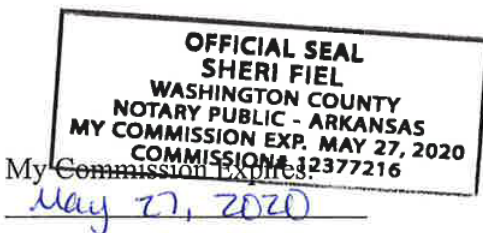
it's General Partner

By:   
Brian E. Hooper  
Vice President Real Estate

STATE OF ARKANSAS     )  
                                      ) ss  
COUNTY OF BENTON     )

In the State of Arkansas, County of Benton, on this 20<sup>th</sup> day of October 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared BRIAN E. HOOPER, to me personally known to me to be the person who executed as such officer the within instrument of writing on behalf of such corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

WITNESS my hand and notarial seal subscribed and affixed in said county and state, the day and year in this certificate above written.



  
Sheri Fiel  
Notary Public

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership,

**EXHIBIT "C"**

**to  
Disclosure of Interest**

- 1) Wal-Mart Stores East, L.P. a Delaware limited partnership  
2001 S.W. 10<sup>th</sup> Street  
Bentonville, Arkansas 72716-0550

**Percentage of Interest**

- General Partner:

WSE Management, LLC,  
a Delaware limited liability company  
702 S.W. 8<sup>th</sup> Street  
Bentonville, Arkansas 72716-0555  
a wholly owned subsidiary of Wal-Mart Stores  
East, Inc., an Arkansas corporation, which is a  
wholly owned subsidiary of Wal-Mart Stores, Inc.,  
a PUBLICLY TRADED COMPANY

1%

- Limited Partner:

WSE Investment, LLC,  
a Delaware limited liability company  
1301 Southeast 10<sup>th</sup> Street  
Bentonville, Arkansas 72716-0555  
a wholly owned subsidiary of Wal-Mart Stores  
East, Inc., an Arkansas corporation, which is a  
wholly owned subsidiary of Wal-Mart Stores, Inc.,  
a PUBLICLY TRADED COMPANY

99%